STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of SARA JO JENNINGS, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

CAROL ANN JENNINGS,

Respondent-Appellant,

and

GLEN TRUXXEL, a/k/a GLEN TRUXSEL,

Respondent.

UNPUBLISHED
March 28, 2000

No. 219674
Wayne Circuit Court
Family Division
LC No. 90-283341

Before: Wilder, P.J., and Sawyer and Markey, JJ.

MEMORANDUM.

Respondent-appellant appeals by delayed leave granted from a family court order terminating her parental rights to the minor child under MCL 712A.19b(3)(a)(i), (a)(ii), (c)(i), (g), and (j); MSA 27.3178(598.19b)(3)(a)(i), (a)(ii), (c)(i), (g), and (j). We affirm.

Respondent-appellant addresses only three of the five statutory grounds for termination that were found to exist by the trial court, failing to challenge the court's findings with regard to §§ 19b(3)(a)(i) or (a)(ii). Subsection (a)(i) appears to have been erroneously applied to respondent-appellant, in that it concerns a parent who cannot be identified, and thus seems to implicate the child's putative father[1] in this case, not respondent-appellant. However, we need not address that issue, because the evidence clearly suggests that § 19b(3)(a)(ii) applies. If a court finds, as a factual matter, on clear and convincing evidence the existence of at least one statutory ground for termination, then the court must terminate unless termination is clearly not in the child's best interests. MCL 712A.19b(5);

MSA 27.3178(598.19b)(5); *In re Hall-Smith*, 222 Mich App 470, 472-473; 564 NW2d 156 (1997). Section 19b(3)(a)(ii) provides for termination where a parent "has deserted the child for 91 or more days and has not sought custody of the child during that period." In this case, the evidence that respondent-appellant was wholly out of touch with, and unreachable by, the child and the child-protective authorities from early February until early June, 1998, supports termination under this provision. Because respondent-appellant does not challenge this finding on appeal, we need not look any further to conclude that the trial court did not err in finding the existence of at least one statutory basis for termination.

Nonetheless, we agree that the trial court did not clearly err in finding that §§ 19b(3)(c)(i), (g) and (j) were each established by clear and convincing evidence. Respondent-appellant substantially failed to fulfill virtually every aspect of her parent/agency agreement. Failure to fulfill the requirements imposed as conditions for reunification is an indication of continued neglect. See *In re Ovalle*, 140 Mich App 79, 83; 363 NW2d 731 (1985). Finally, respondent-appellant failed to come forward with evidence that termination of her parental rights was clearly contrary to the child's best interests. Thus, the trial court properly terminated respondent-appellant's parental rights. *In re Hall-Smith, supra* at 472-473.

Affirmed.

/s/ Kurtis T. Wilder
/s/ David H. Sawyer
/s/ Jane E. Markey

[1] The court also terminated the parental rights of the child's putative father, Glen Truxxel, who has not appealed that decision.